

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TINA LINDQUIST,

Plaintiff,

v.

HEIM, L. P.,

Defendant.

Civil Action No. 04-249 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on August 31, 2004, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 51], filed on December 11, 2006, recommended that Defendant's motion for summary judgment [Doc. No. 41] be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendant. Defendant filed objections on December 28, 2006 [Doc. No. 55]. On February 20, 2007, the Court held oral argument on Defendant's objections.

After de novo review of the motion and documents in the case, together with the Report and Recommendation and objections thereto, and following extensive oral argument on the Defendant's objections, the following order is entered:

AND NOW, this 23rd day of February, 2007;

IT IS HEREBY ORDERED that Defendant's motion for summary judgment [Doc. No. 41] is DENIED.

The Report and Recommendation [Doc. No. 51] of Magistrate Judge Baxter, filed on December 11, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record

Susan Paradise Baxter, U.S. Magistrate Judge